

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-21

Approved: June 23, 2026

Re: Henry F. Lombardi Jr.

QUESTION PRESENTED:

The Petitioner, an advance/courier with the Rhode Island Secretary of State's Office, a state employee position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from seeking election to the Middletown Town Council.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, an advance/courier with the Rhode Island Secretary of State's Office, a state employee position, is not prohibited by the Code of Ethics from seeking election to the Middletown Town Council.

The Petitioner is currently employed by the Rhode Island Secretary of State's Office as an advance/courier, a position he has held for more than three years. He states that his advance duties include visiting venues at which the Secretary of State will be attending events prior to the time of each event for purposes of assessing the security of the venue, including parking availability, and finalizing event details with the event coordinator in advance of the event. The Petitioner further states that he will often accompany the Secretary of State to events. The Petitioner informs that his courier duties include picking up and transporting documents to and from the Rhode Island State House and various municipal offices throughout the state. The Petitioner further informs that his public duties also include assisting with the operation of Rhode Island's Address Confidentiality Program which provides vital services to victims of domestic violence.

The Petitioner represents that he works out of the Secretary of State's West River Street office, and that the state's Board of Elections offices are also located there. The Petitioner further represents that the administrative duties conducted by Board of Elections employees include, but are not limited to, the placement of candidate names on ballots, the timely distribution of ballots to polling places, and the oversight of voting and ballots. The Petitioner emphasizes that his duties as an advance/courier for the Secretary of State's Office are separate and distinct from any associated with those of the Board of Elections members or employees, with no overlap between the two.

The Petitioner is currently a member of the Middletown Zoning Board, having been appointed to that position by the Middletown Town Council in 2025. His current term expires in 2030. The Petitioner states that he intends to seek election to the Middletown Town Council in November 2026 and, if elected, will resign from the Zoning Board.¹ The Petitioner represents that it has been suggested to him that, due to his current employment with the Secretary of State's Office, he is prohibited by the Code of Ethics from seeking municipal elected office because of the collaboration among the Secretary of State's Office, the Board of Elections, and local cities and towns during the administration of elections. The Petitioner reiterates that he does work in the same office building where the Board of Election offices are located, but that his public duties are in no way connected to the administration of elections. It is under this set of facts that the Petitioner seeks an advisory opinion regarding whether he is prohibited by the Code of Ethics from seeking election to the Middletown Town Council.

Pursuant to the Code of Ethics, a public employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of his duties or employment in the public interest. R.I. Gen. Laws § 36-14-5(a). A public employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest if he has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics also prohibits a public employee from accepting other employment that would impair his independence of judgment as to his official duties or require or induce him to disclose confidential information acquired by him in the course of his official duties. § 36-14-5(b). Additionally, the Code of Ethics provides that a public employee may not use his office, or confidential information received through holding his office, to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d). Finally, the Code of Ethics prohibits a public official from representing himself or any other person, or acting as an expert witness, before a state agency by which he is employed. § 36-14-5(e)(1)-(3). A person "represents" himself or another person before a state agency if he participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his favor or in favor of another person. R.I. Gen. Laws § 36-14-2(12) & (13); 520-RICR-

¹ The Petitioner informs that he previously served as an elected member of the Middletown Town Council between November 2014 and late 2020. He adds that, sometime after 2020, he served as a member of the Middletown Zoning Board but left that position in 2022 after accepting his current position with the Secretary of State's Office in order to acclimate to his new employment duties. The Petitioner states that in 2025 he accepted reappointment to the zoning board.

00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016). These prohibitions extend for a period of one year after the public official has officially severed his position with the subject state agency. § 36-14-5(e)(4).

The Code of Ethics does not create a blanket prohibition against public officials or employees seeking elective office, whether at the state or municipal level. Rather, a matter-by-matter evaluation is required to determine whether substantial conflicts of interest exist with respect to the exercise by a public official or employee of his or her duties in the public interest. For example, in Advisory Opinion 2026-1, the petitioner, a civilian clerk with the Bristol Police Department, was not prohibited by the Code of Ethics from seeking election to and, if elected, serving as a member of the Warren Town Council while maintaining his municipal employment with the police department. There, the petitioner's duties as a civilian clerk for the Bristol Police Department and his potential duties as a member of the Warren Town Council, if elected, would have been separate and distinct, with no overlap. For that reason, and citing the consistency of previously issued advisory opinions included in the draft, the Ethics Commission determined that the petitioner's desired simultaneous public employment in Bristol and public service in Warren did not, in and of itself, present an inherent conflict of interest under the Code of Ethics. See also A.O. 2008-51 (opining that a Burrillville police officer, who was also a candidate for a position on the Pascoag Board of Fire Commissioners, was not prohibited by the Code of Ethics from simultaneously serving in both positions, if elected); A.O. 2008-33 (opining that a custodian employed by the North Providence School Department was not prohibited by the Code of Ethics from seeking election to and, if elected, simultaneously serving as a member of the North Providence City Council); A.O. 2003-48 (opining that a part-time instructional aide at two public schools in Little Compton, who was also a substitute school bus driver in that town, could seek election to and, if elected, serve as a member of the Little Compton Beach Commission while simultaneously holding her municipal employment in the same town).

Here, there is nothing to indicate that a conflict of interest exists between the Petitioner's current state employment as an advance/courier with the Secretary of State's Office and his desired candidacy for election to the Middletown Town Council. The Petitioner would not be taking official action as a public employee of the Secretary of State's Office that would directly financially impact his candidacy for, or potential election to, the town council; nor would the Petitioner's candidacy for, and potential election to, the town council impair his independence of judgment with regard to his official duties as an advance/courier with the Secretary of State's Office or require or induce him to disclose confidential information obtained in the course of those official duties. Further, the Petitioner's candidacy for membership on the town council will be decided by the residents of Middletown. Any related administrative duties performed by the Secretary of State or the Board of Elections associated with that election would not amount to the Petitioner's representation before his own agency. Accordingly, it is the opinion of the Ethics Commission that the Petitioner is not prohibited from seeking elected municipal office to

the Middletown Town Council. The Petitioner is reminded that the Code of Ethics prohibits him from using public time or resources to support his candidacy. All campaign-related activities must be conducted on his own time and without the use of any public resources. The Petitioner is encouraged to seek further guidance from the Ethics Commission if facts not anticipated by this advisory opinion arise that could present a conflict of interest.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(12)

§ 36-14-2(13)

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-7(a)

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5006)

Related Advisory Opinions:

A.O. 2026-1

A.O. 2008-51

A.O. 2008-33

A.O. 2003-48

Keywords:

Candidate

Dual Public Roles